

IN AND BEFORE THE

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In Re: Rick Santorum for President, Inc.,
Nadine Maenza, Treasurer and
Rick Santorum

MUR 6740

**RESPONSE AND OBJECTIONS TO COMPLAINT
FILED BY FRED KARGER**

Rick Santorum for President, Inc., Nadine Maenza, Treasurer ("the Committee") and Rick Santorum, individually ("Sen. Santorum"), (collectively hereafter "Respondents"), submit this Response and Objection(s) to the frivolous, groundless, fabricated and fantasy-filled Complaint filed with the Federal Election Commission ("Commission") by Fred Karger, who apparently has made it his life's work to stalk, demonize and hassle the National Organization for Marriage ("NOM") and any individuals and organizations who are committed to the defense of traditional marriage ("Karger").

The Complaint is but the latest in a seemingly unending list of complaints that Karger has filed with yet another government agency, costing the taxpayers and these (and other) Respondents time, money and annoyance. Karger alleges that there "surely" must have been a violation of the Federal Election Campaign Act of 1971, as amended ("the Act"), yet utterly fails to produce a scintilla of evidence to support his claims.

Respondents affirmatively state that neither the Committee, its Treasurer nor Sen. Santorum have committed any violation of the Act.

Karger and His Claims Are Bizarre and Constitute No Violation of FECA

This Complaint states that Karger wants the FEC to "conduct a full investigation into the *likelihood* that the National Organization for Marriage, its officers and major supporters paid the Family Leader and its president Bob Vander Plaats were paid up to \$1 million to secure its (sic) endorsement of then presidential candidate Rick Santorum".

The *likelihood* of a violation?

Other than some ramblings about various people and organizations with which he philosophically disagrees and a stack of news clippings which Karger misquotes and quotes out of context to supposedly bolster his 'likelihood' theory, there really is nothing to Karger's 'complaint'. He states no facts material to a potential violation of FECA because there are none.

After sifting through the stacks of paper, the question arises: what *are* the potential legal claims, or possibly actionable FECA violations?

Apparently, although it is difficult to tell from this convoluted Complaint, it may turn on the Karger claim of 'coordination'. But between which persons and/or entities?

There are no *facts* in the Complaint (because there are none) that any public communications by Bob Vanderplaats or any group associated with him were coordinated public communications with the Santorum campaign, as that term is defined in 11 C.F.R. §109.21. Not a single fact is even alleged to support a claim of violation of the coordinated public communications regulations. And, indeed, such assertions are denied under oath by Sen. Santorum and the treasurer of the Santorum for President campaign.

See Attached Affidavits of Rick Santorum and Nadine Maenza.

And while Karger spends an inordinate amount of time complaining about the relationship between NOM and the Iowa Family Leader and Bob Vanderplaats, the simple fact is that there is no legal issue *whatsoever* insofar as those persons and entities and their relationships are concerned. They can coordinate whatever they want to coordinate with each other on anything they choose to coordinate about. And NOM is permitted to make whatever grants it wants to make to entities not regulated by the FEC.

These are individuals and groups who work together year-in and year-out, for a common goal, which is the defense of marriage and the preservation of the traditional family in America.

So what?

Insofar as the communications with and between Bob Vanderplaats and Sen. Santorum and, for that matter, any other federal candidate, regarding the endorsement by either Mr. Vanderplaats or any groups associated with him, Karger alleges no facts (because there are none) that such conversations violated the safe harbor provisions of 11 C.F.R. §109.21(g) permitting communications between federal candidates and others regarding endorsements.

There is, quite simply, *no* 'coordination' issue whatsoever here, despite Karger's bandying about the term repeatedly in his complaint.

What other potential legal issue can be gleaned from this Complaint?

There are no *facts* set forth in the Complaint (because there are none) that Sen. Santorum raised money for any organization other than his own presidential campaign. Karger offers his conjecture that because Mr. Vanderplaats endorsed Sen. Santorum for President on the basis of Sen. Santorum's positions and leadership on issues of concern to Mr. Vanderplaats and his organizations, and some individuals who share *both* Sen. Santorum's and Mr. Vanderplaats' views on those issues made contributions to the independent expenditures PAC that publicized the Vanderplaats endorsement, then that must constitute a violation of FECA. Karger asks the

Commission to investigate the 'likelihood' that Sen. Santorum was responsible for funding Mr. Vanderplaats' activities. Karger offers not a word of factual support for his suppositions but both Mr. Vanderplaats and Chuck Hurley have stated under oath that no such financial relationship or funding activities were undertaken by Sen. Santorum, as have Sen. Santorum and the Santorum Committee treasurer, Ms. Maenza.

There was no 'thing of value' provided by Bob Vanderplaats or his organization(s) to the Santorum campaign – such as the lists that Karger falsely claimed were given to the Santorum campaign. Mr. Vanderplaats, Mr. Hurley, Sen. Santorum and Ms. Maenza have all confirmed under oath in response to the Complaint that no lists or any other 'things of value' were given to the Santorum campaign.

There were no funds given or received in exchange for the endorsement of Sen. Santorum in the 2012 Iowa presidential caucuses. Sen. Santorum, Nadine Maenze, Mr. Vanderplaats and Mr. Hurley have all sworn under oath to this fact.

In short, there are no facts to support the Karger complaint and there are uncontroverted, sworn statements by Respondents that none of his allegations are true.

Accordingly, with no facts and no legal issues involved in this Complaint, there are and were no violations of FECA.

This Complaint is a waste of time and money, which Karger seems to have in abundance as he continues on his never-ending quest hypothesize non-existent claims to file against NOM and those who support NOM's goals of defending traditional marriage.

This Complaint must be dismissed because it has absolutely no basis in fact, truth or law.

Respectfully Submitted,



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